LEGISLATURE OF THE STATE OF IDAHO  
Sixty-third Legislature  
First Regular Session - 2015 
IN THE HOUSE OF REPRESENTATIVES  
HOUSE BILL NO. 153  
BY HEALTH AND WELFARE COMMITTEE 

AN ACT  
RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING SECTION 31-3908, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 31-3909, IDAHO CODE, TO REVISE LANGUAGE RELATING TO IMMUNITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-1012, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 56-1013, IDAHO CODE, TO AUTHORIZE THE PROVISION OF COMMUNITY HEALTH EMERGENCY MEDICAL SERVICES BY CERTAIN PERSONNEL; AMENDING SECTION 56-1014, IDAHO CODE, TO ESTABLISH IMMUNITY FOR PROVIDERS OF COMMUNITY HEALTH EMERGENCY MEDICAL SERVICES; AND PROVIDING LEGISLATIVE INTENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-3908, Idaho Code, be, and the same is hereby amended to read as follows:

31-3908. AMBULANCE DISTRICT AUTHORIZED. (1) The county commissioners of any county shall, upon petition signed by not less than fifty (50) qualified electors of said county, or any portion thereof, which may exclude incorporated cities, undertake the following procedure to determine the advisability of resolving to establish and maintain an ambulance service district within the county as may be designated in the petition. 
(a) A petition to form an ambulance service district shall be presented to the county clerk and recorder. The petition shall be signed by not less than fifty (50) of the resident real property holders within the proposed district. The petition shall designate the boundaries of the district. 
(b) The petition shall be filed with the county clerk and recorder of the county in which the signers of the petition are located. Upon the filing of the petition the county clerk shall examine the petition and certify whether the required number of petitioners have signed the petition. If the number of petition signers is sufficient, the clerk shall transmit the petition to the board of county commissioners. 
(c) Upon receipt of a duly certified petition the board of county commissioners shall cause the text of the petition to be published once a week for at least three (3) consecutive weeks in a newspaper of general circulation within the county. With the publication of the petition there shall be published a notice of the time of the meeting of the board of county commissioners when the petition will be considered stating that all persons interested may appear and be heard. No more than five (5) names attached to the petition shall appear in the publication and notice, but the number of signatures shall be stated. 
At the time of filing the petition the sponsors thereof shall cause to be deposited with the county clerk a sufficient sum of money to cover the cost of publication of the petition and all necessary notices. If the petition and notices are not published the deposit shall be returned
to whomever deposited the funds, and if there is any surplus remaining
after paying for the publication as herein provided it shall be returned
to the original depositors, and if a district is created the fees so ex-
spended are an obligation of the district and shall be repaid by the dis-
trict to the depositors.
(d) At the time set for hearing the petition, the board of county com-
misioners shall hear all persons who desire to be heard relative to the
creation of an ambulance service district. The board of county com-
misioners may, if they so desire and it appears desirable, adjourn the
meeting for not to exceed thirty (30) days in time to further hear the
petitioners and protestants, if any. After the hearing or hearings, the
board of county commissioners shall adopt a resolution either creating
the proposed ambulance service district or denying the petition. When
the board of county commissioners creates an ambulance service district
the board shall adopt a resolution describing the boundaries of the dis-
trict.
(e) When the board of county commissioners adopts the resolution creat-
ing the ambulance service district, the board shall include in the res-
olution the name of the district, and file a copy of the order creat-
ing the district with the county clerk and recorder, for which the clerk
shall receive a fee of three dollars ($3.00).
(f) Procedures for annexation, deannexation, or dissolution of a dis-
trict created pursuant to this section shall be in substantial compli-
ance with the provisions for public notice and hearing provided herein,
and shall be by resolution adopted by the board of county commissioners.
(2) When the board of county commissioners has ordered the creation of
an ambulance service district, pursuant to the provisions of this section,
such district is hereby recognized as a legal taxing district, and providing
ambulance service is a governmental function.
(3) The board of county commissioners shall be the governing board of an
ambulance service district created pursuant to this section, and shall exer-
cise the duties and responsibilities provided in chapter 39, title 31, Idaho
Code.
(4) In any county where an ambulance service district is created as pro-
vided herein, the board of county commissioners is authorized to levy a spe-
cial tax, not to exceed four-hundredths percent (.04%) of market value for
assessment purposes, except as authorized by paragraph (a) of this subsec-
tion, upon all taxable property within the district for the purposes of the
district, but the levy otherwise authorized in section 31-3901, Idaho Code,
shall not be made on taxable property within the district.
(a) In any county where an ambulance service district:
   (i) Was created as of January 1, 1976,
   (ii) Had at the time of its creation a market value for assessment
purposes of the district of less than three hundred million dol-
ors ($300,000,000), and
   (iii) The service provided by the district is an advanced life sup-
port paramedic unit,
the board of county commissioners may submit to the electors within the
district the question of whether the levy authorized in subsection (4)
of this section may be increased to a levy not to exceed six-hundredths
percent (.06%) of market value for assessment purposes upon all taxable
property within the district for the purposes of the district, if ap-
proved by a minimum of two-thirds (2/3) of the qualified electors of the
district voting at an election called for that purpose and held on the
May or November dates provided in section 34-106, Idaho Code, but the
levy otherwise authorized in section 31-3901, Idaho Code, shall not be
made on taxable property within the district.
(5) The board of county commissioners is authorized by resolution to
create an ambulance district capital improvement account. The board may
dedicate all or a portion of the fees and taxes collected pursuant to this
chapter to the capital improvement account for the purpose of purchasing
necessary buildings, land or equipment for the operation of the district.
The board is further authorized to carry over and add to the funds in the
account from year to year in order to make the purchases authorized by this
subsection.
(6) As used in this chapter, "ambulance district" or "ambulance service
district" means a political subdivision formed to provide ambulance trans-
port, emergency medical services as defined in section 56-1012, Idaho Code,
community health emergency medical services as defined in section 56-1012,
Idaho Code, and/or other activities necessary to meet the community health
needs of the district.

SECTION 2. That Section 31-3909, Idaho Code, be, and the same is hereby
amended to read as follows:

31-3909. IMMUNITY OF AMBULANCE ATTENDANT. No action shall lie or be
maintained for civil damages in any court of this state against any person or
persons, or group of persons, including ambulance attendants employed by an
ambulance service district, who offers and administers first aid, or emerg-
ency medical attention or community health emergency medical services as a
part of his normal duty as an ambulance attendant to any person or persons
utilizing the services and facilities of an ambulance service district, un-
less it can be shown that the person or persons offering or administering
first aid or emergency medical attention is guilty of gross negligence in the
care or treatment offered or administered, or has treated them in a grossly
negligent manner. The immunity described herein shall cease upon delivery
of the injured or treated person to either a generally recognized hospital
for treatment of ill or injured persons, or upon assumption of treatment in
the office or facility of any person undertaking to treat said ill or injured
person or persons.

SECTION 3. That Section 56-1012, Idaho Code, be, and the same is hereby
amended to read as follows:

56-1012. DEFINITIONS. As used in sections 56-1011 through 56-1023,
Idaho Code:
(1) "Advanced emergency medical technician" means a person who has met
the qualifications for licensure as set forth in sections 56-1011 through
56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011
through 56-1023, Idaho Code, carries out the practice of emergency care
within the scope of practice determined by the commission and practices under the supervision of an Idaho licensed physician.

(2) "Agency" means any organization licensed by the EMS bureau that operates an air medical service, ambulance service or nontransport service.

(3) "Air ambulance" means any privately or publicly owned fixed wing aircraft or rotary wing aircraft used for, or intended to be used for, the transportation of persons experiencing physiological or psychological illness or injury who may need medical attention during transport. This may include dual or multipurpose vehicles which otherwise comply with sections 56-1011 through 56-1023, Idaho Code, and specifications established by board rule.

(4) "Air medical service" means an agency licensed by the EMS bureau that responds to requests for patient care and transportation from hospitals and EMS agencies using a fixed wing aircraft or rotary wing aircraft.

(5) "Ambulance" means any privately or publicly owned motor vehicle or nautical vessel used for, or intended to be used for, the transportation of sick or injured persons who may need medical attention during transport. This may include dual or multipurpose vehicles which otherwise comply with sections 56-1011 through 56-1023, Idaho Code, and specifications established by board rule.

(6) "Ambulance service" means an agency licensed by the EMS bureau operated with the intent to provide personnel and equipment for medical treatment at an emergency scene, during transportation or during transfer of persons experiencing physiological or psychological illness or injury who may need medical attention during transport.

(7) "Applicant" means any organization that is requesting an agency license under this chapter and includes the following:
   (a) An organization seeking a new license;
   (b) An existing agency that intends to change the level of licensed personnel it utilizes;
   (c) An existing agency that intends to change its geographic coverage area, except by agency annexation;
   (d) An existing nontransport service that intends to provide ambulance service;
   (e) An existing ambulance service that intends to discontinue transport and become a nontransport service.

(8) "Board" means the Idaho board of health and welfare.

(9) "Commission" means the Idaho emergency medical services physician commission.

(10) "Community emergency medical technician" or "community EMT" means an emergency medical technician or advanced emergency medical technician with additional standardized training who works within a designated community health emergency medical services program under local medical control as part of a community-based team of health and social services providers.

(11) "Community health emergency medical services" or "community health EMS" means the evaluation, advice or treatment of an eligible recipient outside of a hospital setting, which is specifically requested for the purpose of preventing or improving a particular medical condition, and which is provided by a licensed emergency medical services agency. Community
health EMS involving or related to emergency response must be provided by or
in coordination with the primary 911 response agency for that area.
(12) "Community paramedic" means a paramedic with additional standard-
ized training who works within a designated community health emergency med-
ical services program under local medical control as part of a community-
based team of health and social services providers.
(13) "Department" means the Idaho department of health and welfare.
(14) "Eligible recipient" means an individual eligible to receive com-
munity health emergency medical services, as determined by rule of the EMS
bureau or a local community health emergency medical services program.
(15) "Emergency medical responder" means a person who has met the qual-
ifications for licensure as set forth in sections 56-1011 through 56-1023,
Idaho Code, is licensed by the EMS bureau under sections 56-1011 through
56-1023, Idaho Code, carries out the practice of emergency care within the
scope of practice determined by the commission and practices under the su-
ervision of an Idaho licensed physician.
(16) "Emergency medical services" or "EMS" means aid rendered by an in-
dividual or group of individuals who do the following:
(a) Respond to a perceived need for medical care in order to prevent
loss of life or aggravation of physiological or psychological illness
or injury;
(b) Are prepared to provide interventions that are within the scope of
practice as defined by the commission;
(c) Use an alerting mechanism to initiate a response to requests for
medical care; and
(d) Offer, advertise or attempt to respond as described in paragraphs
(a) through (c) of this subsection.
Aid rendered by a ski patroller, as described in section 54-1804(1)(h),
Idaho Code, is not EMS.
(17) "EMS bureau" means the bureau of emergency medical services of the
department.
(18) "Emergency medical technician" means a person who has met the
qualifications for licensure as set forth in sections 56-1011 through
56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011
through 56-1023, Idaho Code, carries out the practice of emergency care
within the scope of practice determined by the commission and practices un-
der the supervision of an Idaho licensed physician.
(19) "Licensed personnel" means those individuals who are emergency
medical responders, emergency medical technicians, advanced emergency med-
ical technicians and paramedics.
(20) "National emergency medical services information system tech-
nical assistance center" means an organization that validates software for
compliance with the EMS data set defined by the United States department of
transportation national highway traffic safety administration.
(21) "Nontransport service" means an agency licensed by the EMS bu-
reau, operated with the intent to provide personnel or equipment for medical
stabilization at an emergency scene, but not intended to be the service that
will actually transport sick or injured persons.
(22) "Nontransport vehicle" means any vehicle operated by an agency
with the intent to provide personnel or equipment for medical stabilization
at an emergency scene, but not intended as the vehicle that will actually transport sick or injured persons.

(2423) "Paramedic" means a person who has met the qualifications for licensure as set forth in sections 56-1011 through 56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011 through 56-1023, Idaho Code, carries out the practice of emergency care within the scope of practice determined by the commission and practices under the supervision of an Idaho licensed physician.

(244) "Supervision" means the medical direction by a licensed physician of activities provided by licensed personnel affiliated with a licensed ambulance, air medical or nontransport service, including, but not limited to: establishing standing orders and protocols, reviewing performance of licensed personnel, providing instructions for patient care via radio or telephone, and other oversight.

(245) "Transfer" means the transportation of a patient from one (1) medical care facility to another.

SECTION 4. That Section 56-1013, Idaho Code, be, and the same is hereby amended to read as follows:

56-1013. AUTHORIZED ACTIONS. Persons licensed by the EMS bureau shall be authorized to perform such acts under written or oral authorization of a licensed physician as shall be established by rules of the commission, including, but not limited to, administration of intravenous solutions and drugs, cardiac defibrillation, airway management, endotracheal intubation, community health emergency medical services and other patient care.

SECTION 5. That Section 56-1014, Idaho Code, be, and the same is hereby amended to read as follows:

56-1014. LIABILITY. (1) No act or omission of any person who is duly licensed under sections 56-1011 through 56-1023, Idaho Code, by the EMS bureau done or omitted in good faith while rendering emergency medical services to a person or persons who are perceived to need immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury shall impose any liability upon those personnel, the supervising physician, the hospital, the organization providing the service, or upon a federal, state, county, city or other local governmental unit, or upon employees of such governmental unit, unless such provider of care or such personnel be shown to have caused injury and damages to such person or persons as a proximate result of his, her or their reckless or grossly negligent misconduct, which shall be the sole grounds for civil liability of such persons in the provision of care or assistance under sections 56-1011 through 56-1023, Idaho Code, regardless of the circumstance under which such care or assistance may be provided. This section shall not relieve the organization or agency operating the service from the duty of securing, maintaining and operating, the equipment and licensure designated for use in performing the emergency medical services.

(2) The provisions of subsection (1) of this section shall apply to licensed personnel of another state of the United States who enter this state in response to an emergency to render emergency medical services to a person
who is perceived to need immediate care in order to prevent loss of life or
aggravation of physiological or psychological illness or injury.

(3) No act or omission of any person authorized under this chapter to
provide community health emergency medical services shall impose any li-
ability upon such person or the person's agency or supervising physician
where the act or omission occurs in the course of providing authorized ser-
vices and is done or omitted in good faith, unless the person is shown to have
caused injury as a result of reckless or grossly negligent misconduct.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the Legislature that
the Idaho Emergency Medical Services Physician Commission and the EMS Bureau
promulgate rules to govern community health emergency medical services in
Idaho.